Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	**)**	
	)	
Digital Output Protection Technology	**)**	**MB Docket No. 04-64**
and Recording Method Certifications	**)**	
	)	
Digital Transmission Content Protection	**)**	

RESPONSE TO THE APPLICATION OF DIGITAL TRANSMISSION LICENSING ADMINISTRATOR LLC FOR INTERIM AUTHORIZATION OF DIGITAL TRANSMISSION CONTENT PROTECTION BY THE MOTION PICTURE ASSOCIATION OF AMERICA, INC., METRO-GOLDWYN-MAYER STUDIOS INC., PARAMOUNT PICTURES CORPORATION, SONY PICTURES ENTERTAINMENT INC., TWENTIETH CENTURY FOX FILM CORPORATION, UNIVERSAL CITY STUDIOS LLLP, THE WALT DISNEY COMPANY, AND WARNER BROS. ENTERTAINMENT INC.

Jon A. Baumgarten
Bruce E. Boyden
Proskauer Rose LLP
1233 Twentieth Street NW, Suite 800
Washington, DC 20036
(202) 416-6800

April 6, 2004

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The Motion Picture Association of America, Inc., Metro-Goldwyn-Mayer Studios Inc., Paramount Pictures Corporation, Sony Pictures Entertainment Inc., Twentieth Century Fox Film Corporation, Universal City Studios LLLP, The Walt Disney Company, and Warner Bros. Entertainment Inc. (collectively the "MPAA Parties") hereby file this response to the application of Digital Transmission Licensing Administrator LLC ("DTLA") to have DTCP approved on an interim basis as an Authorized Digital Output Protection Technology for Marked and Unscreened Content (the "Application"). The MPAA Parties express support for the Application upon the expectation that DTLA will respond to and/or clarify the issues raised below in its reply filing.

We note at the outset that this proceeding, and the Commission's review of the content protection technologies, related functionalities, and licenses submitted in this proceeding, are

concerned only with whether the proposal meets the interim requirements the Commission identified for the protection of digital broadcast television content. This response, therefore, is based on the understanding that if the Commission decides to authorize DTCP on an interim basis for use in protecting Marked and Unscreened Content, that such authorization extends only to the use of DTCP in the Broadcast Flag application.[1] In addition, we have reserved comment on the bulk of licensing terms, trusting that the marketplace negotiations of the agreements will produce acceptable business terms.

The MPAA Parties support the proposed technology — DTCP — as an example of the value of the marketplace criteria advocated repeatedly by the MPAA and others in this proceeding.[2] Under the Joint Proposal that the MPAA and others submitted to the Commission, DTCP would be authorized for inclusion in DTV devices because DTCP is used or approved by at least two studios and licensed by ten device manufacturers for use with "New Release Content," as that term is defined in the Joint Proposed Criteria for authorization as a digital output protection technology.

The MPAA Parties request that DTLA respond to and/or clarify the following issues in its reply filing in a satisfactory manner to facilitate approval of DTCP technology by the Commission in this proceeding.

[1] For example, the interim authorization of a content protection technology would not determine in any way whether that technology appropriately protects content with copy restrictions delivered through high-definition analog outputs, which was not the subject of the Broadcast Flag proceeding.

[2] As the 5C companies, the MPAA, and other content providers stated in comments filed earlier in the Broadcast Flag proceeding, Commission should adopt standards and procedures that implement "a flexible, market-based approach under which a technology is authorized for Table A if it has been accepted in the relevant marketplace as a protection technology or it is just as effective as one that has." Joint Initial Comments at 22; *see also* Comments of the Digital Transmission Licensing Administrator LLC ("5C"), MB Docket No. 02-230, at 10 (filed Dec. 6, 2002).

I. DTLA Should Clarify That Proximity Controls Will Be Assured for Existing Transport Protocols

As the MPAA has explained elsewhere, a content protection technology must limit redistribution to the device's "local environment" (i.e., the set of compliant, authorized devices within a tightly defined geographic area around a Covered Product) through the use of reasonable and affirmative constraints. DTCP places reasonable and affirmative constraints on the scope of redistribution of Marked and Unscreened Content because, with one exception – DTCP over IP – it is mapped only to wired connection technologies such as IEEE 1394, USB, and MOST, that are necessarily limited by the physical characteristics of the interface (e.g., the length of the wire or cable).

The Application notes that DTCP over IP requires localization by requiring that the "Time To Live" ("TTL") — the number of router hops between the source device and the sink device — be set to 3, and that Wired Equivalent Privacy ("WEP") must be deployed to prevent connections by neighbors or passers-by. DTLA and studio licensees of DTCP have drafted a two-phased detailed work plan, available on the DTLA website, but the Application submitted does not yet reflect the progress of the work plan. Specifically, in Phase I, the DTLA and licensees agreed that not only would DTCP use a maximum TTL of 3 router hops between DTCP source and sink devices, but would also employ a maximum Round-Trip-Time ("RTT"). In Phase II, the RTT value will be incorporated into the DTCP standard if no better method of localization is found. The MPAA Parties request that the Application be amended to incorporate the results of the work plan so that every precaution is taken to ensure that DTCP controls the unauthorized redistribution of Broadcast Flag content beyond the local home environment.

II. DTCP Must Assert Upstream Controls Over Downstream HDCP Functions.

DTLA has identified HDCP as a protected digital output downstream from DTCP. Due to the unique operational aspects of the HDCP technology, if DTCP's content protection technology authorizes HDCP as a protected downstream output, any Covered Demodulator Product using DTCP technology must assert upstream control of the flow of Marked and Unscreened Content being sent to a HDCP function. This is because the HDCP function can not assert control over the output of (or prevent the delivery of) Marked and Unscreened Content to an HDCP device, but can only signal upstream to the DTCP content protection technology when the HDCP function is actively engaged and able to deliver protected content. The HDCP technology then relies on the upstream content protection technology to turn off the flow of content when it receives this message from the HDCP function.

In order to ensure the security of a system with multiple devices and in particular the effectiveness of any revocation process, if HDCP is an authorized downstream output from DTCP technology, as part of the DTCP licensing terms, DTLA should require adopters manufacturing a Covered Demodulator product to ensure that it asserts this upstream control function.

For example, adding the following language to the compliance rules could accomplish this:

> A Covered Demodulator Product may pass Marked or Unscreened Content to an HDCP protected DVI or HDMI output, only if such Covered Demodulator Product (a) reads the received HDCP System Renewability Message, if present, and passes it to the HDCP Source function as a System Renewability Message, and (b) verifies that the HDCP Source Function is engaged and able to deliver Marked and Unscreened Content in protected form, which means (i) HDCP encryption is operational on such output, (ii) processing of the valid received System Renewability Message associated with such content, if any, has occurred as defined in the HDCP Specification and (iii) there is no HDCP Display Device or

Repeater on such output whose Key Selection Vector is in such System Renewability Message. Capitalized terms used in the foregoing but not otherwise defined in the Specifications or the License shall have the meaning set forth in the HDCP Specification and HDCP License Agreement offered by Digital Content Protection, LLC.

III. DTLA Should Clarify That DTCP Imposes No Obligations on Content Providers, Broadcasters, Consumers, or Others

The DTCP technology could become one of many technologies included in the Broadcast Flag system. All approved technologies will receive broadcast content marked with the Broadcast Flag and may be invoked or "triggered" in response to the Broadcast Flag in various devices, such as set-top boxes and digital video recorders. Content providers, broadcasters, and others currently cannot direct which approved technologies may received broadcast content marked with the Broadcast Flag or which approved technologies may get triggered by the Broadcast Flag. Because content providers, broadcasters, and others exercise no direct control over the actual use of DTCP (or any of the other potential Broadcast Flag technologies), DTLA should clarify that broadcasters, content providers, and others who do not take a license to the DTCP technology but who mark or broadcast content with a Broadcast Flag that triggers the DTCP technology are not subject to any obligations to DTLA or the Founders. Furthermore, DTLA should certify, as a condition of interim authorization, that no consumer transmitting or receiving content marked with the Broadcast Flag signal will incur any claim of obligation from DTLA or the Founders.

IV. DTLA Should Clarify That the Terms of the DTCP License Agreement Apply to the Founders

An owner of a technology or a member of a technology consortium may have the ability under the consortium's rules to use the technology in its own products free of obligations or

without taking a license. Alternatively, the member may control sufficient intellectual property to license decryption in downstream products independent of the consortium. Or a member may manufacture its own devices and not license the technology. DTLA should clarify that for any use of the DTCP technology, the Founders (as defined in the Adopter license submitted by DTLA) are obligated to comply with the compliance and robustness rules of the DTCP license agreement equivalently to any other Adopter licensee of the DTCP technology.

V. The Means of Handling Revocation Lists Should Be Addressed

In order to effectuate revocation, it is necessary that a standardized means for delivering revocation information in the ATSC transport stream is developed and that FCC approval of any protected digital output and secure recording technology include obligations that Covered Demodulator Products and downstream devices properly receive, preserve, process, and convey downstream, as appropriate, such information. In its reply, DTLA should explain how it will deal with this issue.

* * *

We look forward to DTLA's satisfactory responses on these issues, and to the Commission's ultimate authorization of DTCP on an interim basis for use in protecting digital broadcast content under the Broadcast Flag regulation.

Respectfully submitted,

THE MOTION PICTURE ASSOCIATION OF AMERICA, INC.
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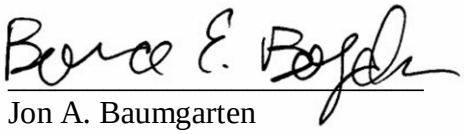
By: 

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Bruce E. Boyden
Proskauer Rose LLP
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Counsel for the Commenting Parties